

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT T. GARRARD, et al.,

Plaintiffs,

v.

PIRELLI TIRE LLC, et al.,

Defendants.

Case No. 11-cv-00824-GPM-DGW

ORDER

Pursuant to the Court's Order dated April 27, 2012, Plaintiffs Robert Garrard and William Jasper submitted, for *in camera* review, all documents referring or relating to settlements, covenants not to sue, releases, loan agreements or any other stipulations or agreements between any plaintiff and any person or entity against whom any plaintiff has or had a claim arising from or relating to the subject occurrence as requested by Defendant Pirelli Tire LLC in its discovery requests. The Court has reviewed the documents *in camera* and hereby **ORDERS** the following:

DOCUMENTS SUBMITTED BY PLAINTIFF ROBERT GARRARD

NATURE OF THE DOCUMENT	DATE	PRIVILEGES ASSERTED BY PLAINTIFF	RULING
String of email communications between Becky Hayes, Chris Kolker, Benjamin Willman about scheduling a conference call to discuss the case	June 6, 2011	Work-Product; Common Interest/Joint Prosecution	These documents shall be produced – they are not subject to the Work-Product or Common Interest/Joint Prosecution privileges.
String of email communications between Becky Hayes, Chris Kolker, Benjamin Willman and Brad Lakin	July 6, 2011	Work-Product; Common Interest/Joint Prosecution	These documents shall not be produced as they are protected by Work-Product and

regarding the state action			Common Interest/Joint Prosecution privileges.
String of email communications between Becky Hayes, Brad Lakin, Chris Kolker and Benjamin Willman regarding dismissal of the state action	July 7, 2011	Work-Product; Common Interest/Joint Prosecution	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.
Two email communications between Brad Lakin, Chris Kolker, Benjamin Willman and Becky Hayes regarding the tolling agreement	August 23, 2011	Work-Product; Common Interest/Joint Prosecution	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.
String of email communications between Brad Lakin, Benjamin Willman, Chris Kolker, Brian Burge and Becky Hayes regarding the tolling agreement	August 26, 2011 August 28, 2011 August 29, 2011	Work-Product; Common Interest/Joint Prosecution	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.
String of email communications between Chris Kolker, Brian Burge, Benjamin Willman, Brad Lakin and Becky Hayes regarding the tolling agreement and arbitration clause	August 30, 2011 September 1, 2011 September 2, 2011	Work-Product; Common Interest/Joint Prosecution	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.
One email communication from Benjamin Willman to Brian Burge, Brad Lakin, Chris Koler and Becky Hayes regarding the commencement of the federal action	September 6, 2011	Work-Product; Common Interest/Joint Prosecution	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.

Two email communications between Brian Burge, Benjamin Willman, Chris Kolker, Brad Lakin and Becky Hayes regarding the federal action and the tolling and arbitration agreements	September 6, 2011 September 8, 2011	Work-Product; Common Interest/Joint Prosecution	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.
String of email communications between Chris Kolker, Cheryl Callis, Scott Bjorseth, Benjamin Willman and Charlene regarding the federal action and the tolling and arbitration agreements	September 1, 2011 September 8, 2011 September 9, 2011 September 12, 2011	Work-Product; Common Interest/Joint Prosecution	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.
String of email communications between Chris Kolker, Benjamin Willman, Brad Lakin and Brian Burge regarding the commencement of the federal action and the tolling agreement	September 13, 2011	Work-Product; Common Interest/Joint Prosecution	This document shall be produced – it is not subject to the Work-Product or Common Interest/Joint Prosecution privileges.

DOCUMENTS SUBMITTED BY PLAINTIFF WILLIAM JASPER

NATURE OF THE DOCUMENT	DATE	PRIVILEGE ASSERTED BY PLAINTIFF	RULING
String of email communications between Becky Hayes, Chris Kolker, Benjamin Willman about setting up a conference call	June 6, 2011	Attorney-Client	These documents shall be produced – they are not subject to the Attorney-Client privilege.
String of email communications between Benjamin Willman, Chris Kolker, Brad Lakin, Becky Hayes and Charlene regarding the commencement of the federal action, the tolling agreement and scheduling a conference call	June 23, 2011 June 24, 2011 June 26, 2011 June 27, 2011 July 6, 2011 July 7, 2011	Attorney-Client	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.

Email communication from Chris Kolker to Benjamin Willman, Deme Sotiriou, Cheryl Callis and Scott Bjorseth regarding the filing a dismissal	August 3, 2011	Attorney-Client	These documents shall be produced – they are not subject to the Attorney-Client privilege.
String of email communications between Benjamin Willman, Brad Lakin, Chris Kolker and Becky Hayes regarding the dismissal of the state action and commencement of the federal action	August 3, 2011 August 11, 2011 August 19, 2011 August 23, 2011	Attorney-Client	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.
Email communication from Chris Kolker to Benjamin Willman regarding the tolling agreement and arbitration clause	August 25, 2011	Attorney-Client	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.
String of email communications between Benjamin Willman, Chris Kolker, Brad Lakin, Brian Burge and Becky Hayes regarding the commencement of the federal action, the tolling agreement and arbitration clause	August 26, 2011 August 28, 2011 August 29, 2011 August 30, 2011	Attorney-Client	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.
String of email communications between Chris Kolker, Cheryl Callis, Scott Bjorseth, Benjamin Willman and Charlene regarding the tolling agreement and arbitration clause	September 1, 2011 September 2, 2011 September 8, 2011 September 9, 2011	Attorney-Client	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.
String of email communications between Benjamin Willman, Chris Kolker, Brad Lakin, Brian Burge and Becky Hayes regarding the commencement of the	September 6, 2011 September 8, 2011 September 9, 2011 September 12, 2011	Attorney-Client	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint

federal action			Prosecution privileges.
String of email communications between Benjamin Willman, Brad Lakin and Chris Kolker regarding expert witness expenses	September 9, 2011	Attorney-Client	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.
String of email communications between Brad Lakin, Benjamin Willman and Brian Burge regarding the amended complaint in the federal action	September 13, 2011	Attorney-Client	These documents shall be produced – they are not subject to the Attorney-Client privilege.
Email communication from Chris Kolker to Benjamin Willman and Brad Lakin regarding the tolling agreement	September 13, 2011	Attorney-Client	These documents shall not be produced as they are protected by Work-Product and Common Interest/Joint Prosecution privileges.

Based upon the foregoing, Plaintiffs are hereby **ORDERED** to produce the documents consistent with this Order by **May 18, 2012**.

IT IS SO ORDERED.

DATED: May 14, 2012



DONALD G. WILKERSON
United States Magistrate Judge